C.S.1002 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 2776 OF 2004

BETWEEN

Ayodhya Prasad Gabel S/o Late Shri Hira Lal Gabel, aged about 60 years, Occupation government servant ,working as Head Master ,posted at Middle School Bargarh Block Kharsiya district Raigarh (CG).

PETITIONER

A N D

1. The State of Chhattisgarh ,through the secretary Aadim Jati Kalyan Vibhag, Mantralay, D.K.S.Building Raipur (CG).

2. The Assistant Commissioner, Tribal Development Branch, Raigarh (CG).

3. The Collector, Raigarh, Tehsil and District Raigarh (CG).

RESPONDENTS

P.R. No. 27-8-04 Sahu

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

23

आदेश पत्रक

मामला क्रमांक W.P.No. 2776/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26-8-2004

On a mention being made, this case is taken up.

Petitioner/s by Shrimati Indira Tripathi, Advocate.

State by Shri V.V.S. Murthy, Dy. Advocate General, with Shri Satish Gupta, Dy.G.A., and Shri Akhil Agrawal and Shri Sandeep Dubey, Panel Lawyers.

Heard.

The matter relates to transfer of the petitioner from the respective place.

Counsel for the petitioner/s submitted that the transfer of the petitioner/s has been effected illegally in contravention of law and policy. State counsel opposed it.

State counsel submitted that the petitioner/s has straightway filed the petition without serving notice for demand of justice and representation.

Having heard and considered the rival contentions, without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the petitioner/s to make detailed representation raising his/her grievances and grounds before the State Government/competent authority of the respondents along with a copy of the petition and this order, within 10 days, and on such representation being filed, the State Government/competent authority of the respondents, under the law, shall consider and decide the same on its own merits in accordance with law as early as possible preferably within six weeks from the date of receipt/production of the representation. If any contravention of policy or guidelines is brought to the notice, the same be considered on its own merits.

Counsel for the petitioner/s prays that after the decision of the representation if any grievance of the petitioner/s remains, he/she may be allowed to avail the remedy available under the law. It is open to the petitioner to avail the remedy available under the law.

With the aforesaid observations, this petition stands disposed of.

Consequently M.W.P., if any, also stands disposed of.

Certified copy as per rules.

Copy to State counsel for compliance.

Sd/-
Fakhruddin
Judge

पीठ सहायक